06-26-09

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

- - - - In the Matter of - - - -	)	PUC Docket No. 2008-0273
	)	
PUBLIC UTILITIES COMMISSION	)	
	)	
Instituting a Proceeding to Investigate the Implementation of Feed-in Tariffs	)	
	)	
	)	
	)	

HAWAII RENEWABLE ENERGY ALLIANCE'S

POST-HEARING REPLY BRIEF

AND

CERTIFICATE OF SERVICE

Warren S. Bollmeier II, President
Hawaii Renewable Energy Alliance
46-040 Konane Place 3816
Kaneohe, HI 96744

(808) 247-7753

wsb@lava.net

BEFORE THE PUBLIC UTILITIES COMMISION
OF THE STATE OF HAWAII

- - - - In the Matter of - - - -	)	PUC Docket No. 2008-0273
	)	
PUBLIC UTILITIES COMMISSION	)	
	)	
Instituting a Proceeding to Investigate the Implementation of Feed-in Tariffs	)	
	)	
	)	

I. INTRODUCTION

By its Order filed on October 24, 2008, the Hawaii Public Utility Commission ("Commission") opened the instant docket, referred to hereafter as the "FiT" docket. The Commission, by its Order filed on November 28, 2008, granted the November 13, 2008 motion of Hawaii Renewable Energy Alliance ("HREA") to intervene in the FiT docket. HREA hereby submits this document, constituting its Post-Hearing Reply Brief on the FiT docket, dated June 26, 2009, to the Commission in accordance with the Commission's Order filed on January 20, 2009, as amended by the Commission's Order on April 27, 2009 and its letter on May 21, 2009.

HREA would like to note the following by way of introduction to our Reply Brief:

1. Intervenor and Party Settlement Discussions Subsequent to the Panel Hearing. Of the numerous issues identified on the FiT docket, HREA has identified and sorted the key issues into two tiers as follows:
   - First Tier (Overall Goals and Approach). Discussions focused on a phased approach: (i) starting with wind, solar and biomass as the eligible technologies, (ii) addressing grid integration issues via a modified Rules14H and a new rule for transmission level projects, (iii) addressing potential ratepayer impacts by limiting project sizes and total capacity by island, and (iv) clarifying the relationship of FiT

to other acquisition methods, such as net metering and competitive bidding. Each limit is to be reviewed and adjusted as appropriate in subsequent phases.

- Second Tier (Ensuring Effective and Timely Implementation). While recent discussions have focused on "First Tier" issues, other issues while described here as "Second Tier," are nevertheless important. These include: (i) pricing criteria and methodologies, (ii) curtailment, (iii) renewable energy credits, (iv) applicability of FiT to existing non-FiT PPAs, (v) queuing, and (vi) program review and amendments.

2. Principles of Fit Design and Implementation. As stated in our Final Statement of Position ("FSOP"), filed on March 30, 2009, and in our Opening Brief, filed on June 12, 2009, HREA believes the design and implementation of a FiT Program appropriate to Hawaii should be guided by a number of principles, such as, but not limited to the following:

   - Rapid Expansion of wholesale and retail renewable energy facilities and systems in support of the Hawaii Clean Energy Initiative ("HCEI") and related state energy objectives,
   - Achievement of this expansion at a reasonable cost to all ratepayers, considering lifecycle costing evaluations that include adjustments for risk associated with greenhouse gas emissions and other environmental impacts,
   - Implementation of a FiT program in a way that complements and supplements existing facilitation mechanisms, which include the competitive bidding, Schedule Q contracts, net metering, and tax credits and other incentives,
   - A Grid Infrastructure Program ("GRIP") which addresses grid integration and operation issues, such that renewables can be "plug and play,"
   - "No harm is caused policy" to existing and future renewable facilities,

- A robust and "technology agnostic" market is created, and
- Non-utility FiT solutions are emphasized while the utility focuses on its grid infrastructure.

3. Contents of our Reply Brief.
    a. In Section II, we present our response to Opening Briefs from certain Parties in the FiT docket, and
    b. In Section III, we provide conclusions and final recommendations.

II. HREA Response to Opening Briefs from Certain Parties in the FiT Docket

Following our review of the Opening Briefs, we present our response to the Opening Briefs from the HECO Companies and the Consumer Advocate and the Department of Business Economic Development and Tourism ("DBEDT").

A. HECO Companies and the Consumer Advocate ("HECO/CA")

Interestingly, HREA finds again that we are in agreement with the HECO/CA on overall objectives regarding increasing our use of renewables in support of our state energy policy. In this case, as we seek to achieve the new goals established in the Hawaii Clean Energy Initiative ("HCEI"), we believe we also agree on achieving those objectives while (i) maintaining or improving the system security and reliability of the HECO Companies' grids, and (ii) protecting the ratepayer. However, we are mindful that don't always agree on (i) how far or fast we should go in joint efforts to address key policy and implementation issues, such as the FiT, and (ii) the specific roles that the HECO Companies and the CA, HREA (speaking on behalf of a certain portion of the renewable energy industry in Hawaii), and other stakeholders should play. Given that, we do have to report there are still certain areas where we are not in agreement with the HECO/CA as follows.

Role of FiT with respect to other Procurement Methods. HREA believes there is general agreement that FiT can complement other procurement methods, but we disagree on details:

- Net Metering. HREA totally disagrees that net metering should be phased out over time in favor of FiT. On the contrary, net metering, now a success, should be expanded to encourage all customers who seek to reduce or zero out their energy demand. Furthermore, net metering should be expanded by moving forward on the pilot program to allow 500 kW customer-generators. Moving forward, project size and system penetration should only be limited, per the Energy Agreement, based on the 15% penetration criteria on distribution circuits.

We appreciate that the HECO/CA now agree to continue net metering through the first phase of FiT implementation. And we also recognize that the HECO/CA and others have concerns about the cost impacts of net metering. So how should we deal with the cost issues? HREA does not believe any decision about limiting net metering, or FiT for that matter, should be made until an independent cost/benefits study of net metering in Hawaii is prepared, vetted and accepted by the Commission. Given that, HREA believes we can then conclude if there is or is not a "net subsidy" due to net metering, and, if so, does it represent a significant, unjust impact to the ratepayer. Can this be done in the first two years of FiT implementation? We certainly hope so. Finally, we recommend that the Commission seek assistance from the U. S. Department of Energy and the National Renewable Energy Laboratory in conducting the independent study.

- Schedule Q Contracts. We agree that FiTs should replace the Qs. We also agree a Q should be able to stay a Q. However, once a Q transitions to a FiT, we agree that the FiT cannot revert back to a Q. We disagree on one point - given the small number of Qs, we do not agree on the need to discount the FiT rate. Finally, we would like to assert that by replacing Qs with FiTs, FiTs are a new contractual method for compliance with PURPA in Hawaii. We note that the HECO/CA appear to agree with HREA on this point in their June 12, 2009 joint response to legal questions (Section VII.A.2, pgs. 38-39), as does DBEDT in its Reply Brief (pg. 112, in response to legal question X.A.2);
- Negotiated PPAs. HREA agrees that qualified facilities ("QFs") should have the right to negotiate contracts under our PURPA law. However, we disagree on the capacity CAP for negotiated PPAs, which has been established based on the threshold for competitive bidding, i.e., the Competitive Bidding Framework threshold of 1% of the

firm capacity on the grids or 5 MW, whichever is lower. We reiterate our position as stated in our Opening Brief that the threshold for competitive bidding be increased to at least 20 MW on all islands. This will allow the FiT program to flourish;

- Competitive Bidding. HREA agrees on keeping the competitive bidding framework in place, but with the caveat discussed above to increase the competitive bidding threshold to at least 20 MW. HREA notes the HECO/CA plans for initiating a competitive bidding process for MECO and HELCO and wonder why they whet our appetite without saying for what and when.
- PV Host Program. HREA questions why the HECO/CA raised this subject in the FiT docket. Notwithstanding that, the HECO/CA discussion begs two related questions. First, given that HREA and other Parties believe there are sufficient cost data for properly pricing large PV projects, why the need for the competitive bidding process as proposed? Furthermore, if the HECO/CA are willing to consider 5 MW PV systems on FiT, does that not preclude the need for the PV Host? See also our response below in the section on "Just and Reasonable FiT Rates."

Physical Limitations: The HECO/CA's arguments appear to be based on their interpretation of General Order 7, which is non-quantitative in at least two important areas for each grid: (i) what is the required system frequency "deadband", and (ii) what is the quantitative outage reliability requirement? More importantly, HREA believes the existing interpretations are too stringent and hence costing ratepayers too much. Moreover, since we believe system reliability requirements are important, and recommend to the Commission that a separate docket be opened to investigate grid system reliability issues and related matters[1].

Project Size and System Limits. Overall, the HECO/CA position on these issues has not changed. HREA notes that by staying with its original proposal limits, the HECO/CA are closing

[1] HREA notes that Tawhiri Power LLC shares similar concerns about how the HECO Companies are addressing reliability issues.

out the number of options, and limiting the number of ways business transactions can be made. FiT should allow project sizes up 5 MW in Phase I on Oahu, and up to 3 MW on Maui and the island of Hawaii, and up to 10 MW on all islands in Phase II, and to 20 MW in Phase III.

The HECO/CA did make one change in their position. They proposed gathering cost information on 5 MW projects on Oahu via a competitive bidding process, given their position there are not sufficient data to properly price these larger projects in Hawaii. On the surface, this might appear to be a good idea, as additional data and information could be useful to design proper FiT rates. However, we believe this proposal is not sound on several levels and should therefore be rejected by the Commission:

1. The proposed competitive bidding process is not a FiT;
2. HREA believes there are sufficient data and information to price up to 5 MW (PV) and to 20 MW (wind) projects in Hawaii. We provided such data and information in our data and information submittal, filed on May 18, 2009 and in our Opening Brief;
3. The competitive bidding process takes too long and we miss the window for the refundable federal investment income tax credit, which sunsets December 31, 2010;
4. Industry would lose the current momentum in the existing market place due to the uncertainty the delay the competitive bidding process would create; and
5. With HECO taking the lead in getting access to land, their control limits the ability of industry to secure land for FiT projects.

HREA would like make three additional observations:

1. The HECO/CA proposal appears as a PV Host Program in advance of the PV Host Program, and that concerns us;
2. In reality, if the primary purpose is to gather cost information, we are wondering why the HECO/CA did not propose to solicit bids for projects from 500 kW to 5 MW, given that their FiT offering is currently limited to 500 kW on Oahu; and

3. It does appear that the HECO/CA do not see insurmountable problems interconnecting 5 MW PV systems on Oahu.

Eligibility Criteria: HREA does not see any changes from their FSOP position. We stand by our position in our Opening Brief. See Section III for our final recommendations.

Just and Reasonable FiT Rates. HREA notes that the HECO/CA propose annual FIT targets on installed capacity by technology and size ranges, but provides no real justification for the recommended limits. The HECO/CA then discusses a tariff setting procedure, including a new proposal to use an independent consultant. This proposal differs from HREA's understanding of the tariff setting procedure. We envisioned that that the HECO/CA would work with the other Parties to propose FiT rates, which would then be forwarded to the Commission for approval. That said, HREA can support the use of independent consultant to work with the Commission. The HECO/CA also indicated they may review and modify Rule 14H. We suggest the "may" be changed to "shall" and that the Commission direct the HECO Companies to include all Parties in the review and modification process.

Curtailment. HREA asserts that not enough time has been spent on the issue of curtailment. That said, the HECO/CA position appears to be to NOT (i) pay for curtailment and (ii) commit to "take" energy from FiTs. Instead, proposed remedies for curtailment are to pay less for non-dispatchable, non-curtailable power, and to lower system limits for said power. This position is discouraging on at least two levels. First, this position does not support the rapid deployment of renewable HCEI objective, and second, it suggests a lack of enthusiasm for making the grid ready for renewables.

The utility needs to develop a grid infrastructure plan ("GRIP") for each island. We believe the goal should be make grids ready for "plug and play" renewable technologies. This means the utility must provide ancillary services and other technologies to ensure that curtailment of renewables is eliminated and grid security and reliability are assured.

B. Department of Business Economic Development and Tourism ("DBEDT")

HREA finds that we are in broad agreement with DBEDT's Opening Brief, and would like to make one comment regarding tax credits, and respectfully disagree with DBEDT on RECs.

Treatment of Tax Credits in Setting FiT Rates. HREA agrees with DBEDT's position on page 59 of their Opening Brief, that available tax credits should be taken into account when setting FiT rates. HREA agrees assuming that said credits can be "monetized."

Inclusion of RECs in FiT Rates. DBEDT (Pg. 62) asserts that HECO would be paying for RECs when purchasing renewable power with FiTs. We disagree and our rationale is as follows:

1. Our RPS law does not specify the need to purchase RECs to certify compliance;
2. Compliance has generally been via purchased power under PURPA (i.e., net metering being one exception, solar hot water systems another);
3. PURPA transactions are silent on environmental attributes. Basically, the PURPA transaction is for energy and capacity and some specific allowances, e.g. for avoided line losses;
4. A major reason for the green pricing and green marketing initiatives is this element of PURPA's silence on environmental attributes, and thus, the concepts of renewable energy credit and the renewable energy credit system were born,
5. FiTs are a type of power purchase agreement, as we have argued above in our reply to the HECO/CA, and we believe both the HECO/CA and DBEDT agree based on their responses to the legal questions posed by the Commission;
6. Thus, if FiTs are PURPA contracts, they are also silent on environmental attributes, and all RECs should go to the FiT developer/owner as the first owner. After which the FiT developer/owner can market them as they see fit.

One of our goals is to account for environmental attributes. So far, RECs are arguably the best method. That said, how would the values of RECs be incorporated into FiTs, given that there is no current RECs market in Hawaii? Thus, our recommendation above stands until such time that a decision is made to require RECs for compliance with our RPS law. Until such time, we recommend that the Commission clarify that RECs are not required for RPS compliance, and that the initial owners of the RECs for FiTs and any new PPAs in Hawaii be the developer/owner. This will allow developer/owners to market their RECs, e.g., to military entities here in Hawaii, maybe on the mainland or wherever.

III. CONCLUSIONS AND FINAL RECOMMENDATIONS TO THE COMMISSION

Given our long-standing state goals to increase our use of renewables and now the HCEI, HREA believes that FiT is an excellent addition to our implementation portfolio, which includes and should continue to include competitive bidding, negotiated PPAs and net metering. We believe FiT has the potential, if appropriately designed and implemented, to take implementation (or deployment) of renewables in Hawaii up to a whole new and rapid level.

We now provide our conclusions and final recommendations to the Commission, based on the following key principles for FiT design and implementation:

Rapid Expansion of wholesale and retail renewable energy facilities and systems in support of the Hawaii Clean Energy Initiative ("HCEI") and related state energy objectives:

1. Conclusions. We have concluded:
    - Grid integration issues, including interconnection requirements to be imposed on FiT providers, must be addressed and resolved as soon as possible. This includes revising and updating Rule 14H, and preparation of a new rule for transmission level projects.
    - We understand and appreciate that grid studies are underway, and we support the inclusion of all interested stakeholders in the ongoing review and vetting of

these studies. We also believe these studies must be independent, and integrated with new IRP;

- We believe the new IRP (formerly known as Clean Energy Scenario Planning) is a very important process and must be brought on-line as soon as possible;
- Regarding the ongoing debate on system reliability, we believe a separate docket should be opened to investigate grid system reliability issues and related matters;
- Regarding issues of project size and capacity limits per island, we have concluded that a phase approach as recommended below is prudent; and
- We believe cost/benefits studies need to be conducted during Phase I to resolve cost impact issues. While these studies are being conducted, we believe that interconnection requirements will both facilitate and constrain to a degree new deployment within the current constraints of the existing grids. Such constraints will also serve to limit program costs.

2. Final Recommendations. We respectfully recommend:
   - Requiring HECO to include all interested stakeholders in ongoing review and vetting of grid integration studies;
   - Assessing whether existing or planned studies are independent, and if not, chartering a truly independent set of studies;
   - Accelerating the docket on new IRP, in order to integrate the above grid studies, FiT and other HCEI activities underway as soon as possible;
   - Approving a FiT program based on a phased approach as follows:
     a. Phase I – first two years of the Fit Program:

i. Limit eligible technologies to wind, solar and biomass, given that the Commission must determine that sufficient data and information are available to properly price the technologies and projects,

ii. Limit project size to 5 MW on Oahu, 3 MW on Maui and Hawaii,

iii. Limit total penetration of all DG (including existing and new projects) on distribution feeders to 15% of feeder peak loads,

iv. Limit total penetration of new transmission level projects via IPPs on Oahu to 15% of Oahu's peak load,

v. Allow new transmission level projects elsewhere based on the results of Interconnection Requirements Studies ("IRSs") and other factors,

vi. Utility will either cover, or pay FiT providers for, the costs to design, install and operate any ancillary services (Note: HREA supports the utility being reimbursed for said costs via the Clean Energy Infrastructure Surcharge, and

vii. Complete island grid studies to identify: (i) areas where penetration limits can be relaxed, and (ii) as appropriate, required grid infrastructure improvements.

b. Phase II – second two years of the Fit Program

i. Include additional technologies based on ability to pricing properly,

ii. Increase project size limits to 10 MW on all islands,

iii. Increase total penetration of DG to 30% on distribution feeders,

iv. Increase total penetration of transmission level projects to 30%,

v. Implement identified grid improvements and continue grid studies as appropriate, and

vi. Integrate the grid studies with the new IRP.

- Phase III and beyond – to be determined based on the first two phases with the following goals:
    a. Increase list of eligible technologies,
    b. Increase project size limits to 20 MW,
    c. Increase penetration limits to 50%, and
    d. Continue grid improvements.

Achievement of this expansion at a reasonable cost to all ratepayers, considering lifecycle costing evaluations that include adjustments for risk associated with greenhouse gas emissions and other environmental impacts:

1. Conclusions. We have concluded:
    - The recommended approach above will limit program costs in Phase I while cost/benefit studies are being conducted, and
    - Experience during Phase I, in terms of the market "update," will provide feedback as to the FiT payment rates.
2. Final Recommendations. See recommendations above, and the last recommendation in the next section.

Implementation of a FiT program in a way that complements and supplements existing facilitation mechanisms, which include the competitive bidding framework, Schedule Q contracts, net metering, and tax credits and other incentives:

1. Conclusions. We have concluded:
    - FiT is compatible and complimentary to both net metering and competitive bidding;
    - FiT, we believe, can have certain elements similar to the current competitive bidding framework, e.g., FiTs are a competition in terms of who can site and

interconnect projects, and a solicitation opening FiT that specifies a timeline during which applications can be submitted;

- While implementing FiT, we believe both net metering and competitive bidding can be improved and enhanced;
- We believe there is compelling evidence that the PV Host Program is not needed at this time;
- We believe FiTs are a new type of PPA for compliance with our PURPA law; and
- Design of the FiTs and payment rates should take into consideration existing incentives, such as tax credits, and their ability to be "monetized."

2. Final Recommendations. We respectfully recommend:

- Continuing and expanding net metering via the pilot program to allow 500 kW customer-generators, and confirming that project size and system penetration levels will be limited, per the Energy Agreement, based on the 15% penetration criteria on distribution circuits;
- Increasing the threshold of competitive bidding at a minimum for projects greater than 20 MW in capacity;
- Replacing Schedule Q contracts with FiT, as well as allowing existing Schedule Qs the options of either continuing or transition to FiT. In the case of the latter we do not support discounting FiT rates or allowing these new FiTs the option of reverting back and forth between Qs and FiTs;
- Offering existing IPPs to transition to FiTs on a case-by-case basis, including careful consideration of ongoing project financial and operating costs before discounting FiT rates;
- Continuing the option of negotiated PPAs, including unsolicited or non-bid, up to threshold for competitive bidding;

- Delaying consideration of the PV Host Program until the first phase of the FiT has been completed;
- Conducting independent cost/benefit studies for net metering and FiT in Hawaii, and that these studies be completed before the first major review of the FiT program, which should be targeted for two years after the formal implementation of the FiT. Until these studies are prepared, vetted and accepted by the Commission, HREA further recommends that any decision regarding cost-based limits on or termination of net metering, or cost-based limits on FiT be delayed.

A Grid Infrastructure Program ("GRIP") which addresses grid integration and operation issues, such that renewables can be "plug and play:"

1. Conclusions. We have concluded:
   - The Parties now recognize the need to prepare and implement plans for grid infrastructure improvements to support the HCEI goals in general, and the goals of FiT specifically,
   - The plans ideally should be conducted by an independent party and closely coordinated with new IRP process, and
   - The goal, as noted above, is to modify the grids so that the FiT technologies can be "plug and play," meaning that no project-specific ancillary services would be required.
2. Final Recommendations. In addition to the recommendations above, and specifically in the first section, we would like to reiterate the need to:
   - accelerate the need for implementing the new IRP and integrating the studies under way on the HCEI with the new IRP, and
   - determine whether ongoing grid studies are sufficiently independent, and if not, charter independent studies.

"No harm is caused policy" to existing and future renewable facilities:

1. Conclusions. We have concluded, in order to keep existing and future renewable facilities "whole," we need to:
   - Maintain and enhance, if possible, the existing renewable generation in the islands, i.e., keep these projects healthy, as we should the utility, and
   - Protect from or compensate for curtailment all existing and new renewable projects.
2. Final Recommendations. We respectfully recommend:
   - Working with the utility and existing IPPs to resolve any contractual issues, e.g., delinking payments from oil,
   - Allowing existing IPPs to convert to FiTs, on a case-by-case basis, given a request from the IPPs, and
   - Determine an appropriate method for compensation of curtailment, whether based on payment of actual curtailment at avoided cost or some ratio of the FiT payment rate, or via adjustment of the FiT rate itself. At this moment, HREA declines to pass judgment as to which method should be preferred.

A robust and "technology agnostic" market is created:

1. Conclusions. We have concluded the approach discussed in the first section above will set us on the track for creating a robust and technology agnostic market. This assumes that additional technologies will be added in Phases II and II.
2. Final Recommendations. See recommendations in the first section above.

Non-utility FiT solutions are emphasized while the utility focuses on its grid infrastructure:

1. Conclusions. We have concluded that:
   - The HECO Companies job #1 should be to make its grids ready for more renewables as discussed above,
   - The HECO Companies will have ample opportunity to earn a fair rate of return on their infrastructure investments, and
   - Industry's job is to respond rapidly to FiT offerings and to do so in an efficacious and ethical matter.
2. Final Recommendations. We respectfully request that the Commission consider the recommendations presented above.

DATED: June 26, 2009, Honolulu, Hawaii

CERTIFICATE OF SERVICE

The foregoing HREA Reply Brief was served on the date of filing by Hand Delivery, first class mail, postage pre-paid, or electronically transmitted to each such Party as follows.

CATHERINE P. AWAKUNI EXECUTIVE DIRECTOR DEPT OF COMMERCE & CONSUMER AFFAIRS DIVISION OF CONSUMER ADVOCACY P.O. Box 541 Honolulu, Hawaii 96809	2 Copies Via Hand Delivery
DEAN MATSUURAMANAGER REGULATORY AFFAIRS HAWAIIAN ELECTRIC COMPANY, INC. P.O. Box 2750 Honolulu, HI 96840-0001	Electronically transmitted
JAY IGNACIO PRESIDENT HAWAII ELECTRIC LIGHT COMPANY, INC. P. O. Box 1027 Hilo, HI 96721-1027	Electronically transmitted
EDWARD L. REINHARDT PRESIDENT MAUI ELECTRIC COMPANY, LTD. P. O. Box 398 Kahului, HI 96732	Electronically transmitted
THOMAS W. WILLIAMS, JR., ESQ. PETER Y. KIKUTA, ESQ. DAMON L. SCHMIDT, ESQ. GOODSILL, ANDERSON QUINN & STIFEL Alii Place, Suite 1800 1099 Alakea Street Honolulu, Hawaii 96813	Electronically transmitted
ROD S. AOKI, ESQ. ALCANTAR & KAHL LLP 120 Montgomery Street Suite 2200 San Francisco, CA 94104	Electronically transmitted
MARK J. BENNETT, ESQ. DEBORAH DAY EMERSON, ESQ. GREGG J. KINKLEY, ESQ. DEPARTMENT OF THE ATTORNEY GENERAL 425 Queen Street Honolulu, Hawaii 96813 Counsel for DBEDT	Electronically transmitted

CARRIE K.S. OKINAGA, ESQ.
GORDON D. NELSON, ESQ.
DEPARTMENT OF THE CORPORATION COUNSEL
CITY AND COUNTY OF HONOLULU
530 South King Street, Room 110
Honolulu, Hawaii 96813

Electronically transmitted

LINCOLN S.T. ASHIDA, ESQ.
WILLIAM V. BRILHANTE JR., ESQ.
MICHAEL J. UDOVIC, ESQ.
DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF HAWAII
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720

Electronically transmitted

MR. RILEY SAITO
THE SOLAR ALLIANCE
73-1294 Awakea Street
Kailua-Kona, Hawaii 96740

Electronically transmitted

MR. CARL FREEDMAN
HAIKU DESIGN & ANALYSIS
4234 Hana Highway
Haiku, Hawaii 96708

Electronically transmitted

MR. THEODORE E. ROBERTS
SEMPRA GENERATION
101 Ash Street, HQ 12
San Diego, California 92101

Electronically transmitted

MR. ERIK KVAM
CHIEF EXECUTIVE OFFICER
ZERO EMISSIONS LEASING LLC
2800 Woodlawn Drive, Suite 131
Honolulu, Hawaii 96822

Electronically transmitted

JOHN N. REI
SOPOGY INC.
2660 Waiwai Loop
Honolulu, Hawaii 96819

Electronically transmitted

GERALD A. SUMIDA, ESQ.
TIM LUI-KWAN, ESQ.
NATHAN C. NELSON, ESQ.
CARLSMITH BALL LLP
ASB Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813
Counsel for HAWAII HOLDINGS, LLC, dba FIRST WIND HAWAII

First Class Mail &
Electronically transmitted

MR. CHRIS MENTZEL
CHIEF EXECUTIVE OFFICER
CLEAN ENERGY MAUI LLC
619 Kupulau Drive
Kihei, Hawaii 96753

Electronically transmitted

DATED: Honolulu, Hawaii, June 26, 2009